

HARRIET F. FISHER, ADMINISTRATRIX OF M. W. FISHER
AND RICHARD M. BOUTON.

[To accompany Bill H. R. No. 684.]

MAY 3, 1860.

Mr. BOTELER, from the Committee on Military Affairs, made the following

REPORT.

The Committee on Military Affairs, to whom was referred the memorial of Richard M. Bouton and Harriet F. Fisher, administratrix of M. W. Fisher, deceased, having had the same under consideration, submit the following report :

The great ingenuity and mechanical skill exhibited in the invention of the celebrated cap machines, for which the petitioners claim compensation, have been long admitted, and, indeed, have been the subject of universal admiration. The right of the parties to claim compensation for the use of these inventions by the government has not been seriously contested ; on the contrary, it has been fully admitted in several reports made to the two houses of Congress, and, finally, by the payment of five thousand dollars under the law of the last Congress.

The amount of compensation to which the parties are justly entitled, has been the only subject of serious contest. In their application to the Secretary of the Navy, of date the 18th May, 1853, they claimed the sum of \$72,500, that being the amount actually saved to the government during the Mexican war, as plainly shown by the facts.

In report No. 58, made by this committee to the House of Representatives on the 8th of February, 1849, the sum of \$20,000 was recommended as a fair compensation to only one of the parties.

In the same Congress, the Military Committee of the Senate, through Mr. Rusk, reported the like sum for only one of the petitioners.— (Senate report No. 266, 2d sess. 30th Congress.)

These two committees entered into a calculation to show the actual value of the machine to the government ; and they have established, beyond a doubt, that the sum of \$20,000 to each of the parties, as reported by them, was much less than the saving effected by the invention up to that time. The committee do not deem it necessary to repeat these calculations, as they are already published in the documents, and are entirely satisfactory.

It further appears that these reports based an estimate of the claims of the petitioners merely upon its use in the military service of the country. Independent of this, they are now in use for the navy, and have, according to the certificate of naval officers, been of incalculable value. The claim of the memorialists on Congress is, therefore, so much the stronger.

It thus appears that the petitioners, by their inventions, have rendered service to the government which, at a low estimate, is well worth twenty thousand dollars each. The last Congress, without consulting the parties, appropriated \$5,000 each, and directed that amount to be paid for the past and future use of their machines. The inventors are not satisfied to sell their property at one-fourth of its value; and this committee are of opinion that the government ought not to take it without payment of a fair equivalent. They therefore report an additional appropriation of \$10,000 to each of the petitioners, that being the amount estimated by the committees of the House and Senate, in 1849, as justly due to them. But it is deemed proper to require, as a condition, that the parties relinquish any further demand against the government on account of the use of their patent-rights before the sum mentioned shall be paid.

All of which is respectfully submitted.